

NOT TO BE PUBLISHED IN OFFICIAL REPORTS

California Rules of Court, rule 8.1115(a), prohibits courts and parties from citing or relying on opinions not certified for publication or ordered published, except as specified by rule 8.1115(b). This opinion has not been certified for publication or ordered published for purposes of rule 8.1115.

COURT OF APPEAL, FOURTH APPELLATE DISTRICT

DIVISION ONE

STATE OF CALIFORNIA

THE PEOPLE,

Plaintiff and Respondent,

v.

JASON HOLIDAY,

Defendant and Appellant.

D065999

(Super. Ct. No. SCS183939)

APPEAL from a judgment of the Superior Court of San Diego County,
Laura H. Parsky, Judge. Appeal Dismissed.

Stephen M. Hinkle, under appointment by the Court of Appeal, for Defendant and
Appellant.

No appearance by Plaintiff and Respondent.

In January 2014, the district attorney filed a petition for the continued involuntary treatment of Jason Holiday as a mentally disordered offender (MDO) under the Mentally Disordered Offender Act (Pen. Code, § 2960 et seq.). It was alleged that Holiday had previously been committed as an MDO after he pleaded guilty to assault by means of

force likely to produce great bodily harm and was presently housed at Atascadero State Hospital. His commitment was to terminate in May 2014.

At a court trial on the petition, the court heard testimony from a forensic psychologist and a forensic psychiatrist. Each of these witnesses testified that Holiday suffers from a mental disorder, he was not in remission and posed a substantial danger to others because of his mental disorder. Holiday also testified. The trial court determined that Holiday continued to qualify as an MDO and continued his commitment for one year.

Appointed counsel filed a brief under *People v. Wende* (1979) 25 Cal.3d 436 (*Wende*), stating that he has reviewed the record on appeal and has been unable to identify any specific issues arguable on appeal. Counsel requests that we independently review the entire record to determine whether there are any arguable issues on appeal. Counsel provided Holiday with a copy of the brief and informed him of his right to file a supplemental brief. Holiday did not file a supplemental brief.

DISCUSSION

Our high court held that conservatorship proceedings under the Lanterman-Petris-Short Act (Welf. & Inst. Code, § 5000 et seq.) are not subject to *Wende* review. (*Conservatorship of Ben C.* (2007) 40 Cal.4th 529, 538 (*Ben C.*)). In *People v. Taylor* (2008) 160 Cal.App.4th 304 (*Taylor*), the Second District Court of Appeal concluded that the analysis of *Ben C.* was equally applicable to MDO civil commitment proceedings. (*Taylor*, at pp. 308, 312-313.) We agree with the conclusion in *Taylor* that our

independent review of the record is not required in MDO proceedings and decline to exercise our discretion to conduct such a review.

Appointed appellate counsel having found no arguable issues and Holiday having not filed a supplemental brief, dismissal is appropriate. (*Taylor, supra*, 160 Cal.App.4th at p. 313.) Competent counsel has represented Holiday in this appeal.

DISPOSITION

The appeal is dismissed.

McINTYRE, J.

WE CONCUR:

McCONNELL, P. J.

AARON, J.